

REMARKS

Applicant would like to thank the Examiner for the consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-3 remain in the application. Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,659,280 to Issa (hereinafter Issa). For the following reasons, the Examiner's rejection is traversed.

Issa is directed to a resectoscope electrode assembly that can perform cutting and coagulation simultaneously. This resectoscope includes a sheath with a sheath lumen, a working element, and a visualization apparatus. An alternative assembly features a single arm conductor rod assembly with a lock catch, outer insulation, steel sleeve, inner insulation, crimp, housing optic guide and steel tubing.

Regarding claim 1, Issa fails to teach or suggest features of the claimed invention. Specifically, claim 1 requires a rotary lock that has a bar parallel to the resectoscope carrier and connected to the carrier, and an elongate slot in a guide tube. Fig. 1 of Applicant's specification (shown below), shows a bar 9, parallel and connected to a carrier 4, the bar 9 being received within an elongate slot 10 wherein the bar 9 prevents rotary motion of the carrier 4 when received in the slot.

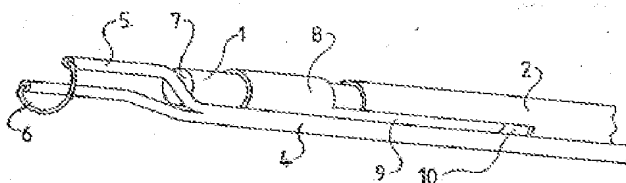


Fig. 1

In column 1, lines 60-65, Issa describes a typical resectoscope lock in very general terms. This description is of a lock which connects a combination of a telescope, working element and electrode assembly to a sheath, but not to one another. This is different from the claimed invention, as the claimed rotary lock secures a carrier (which carries a cutting instrument) to an optical guide tube and neither of these claimed elements is the equivalent of the sheath described in Issa. The Issa description further does not teach or suggest the specific structure of the rotary lock of the claimed invention because the description in Issa is so brief and no illustration is provided. In another embodiment of Issa, a lock catch is taught, but this catch does not have the bar and slot features of the claimed invention, nor are they taught or suggested, as Issa does not describe the lock catch beyond what is illustrated in Fig. 4A and 4E.

The Examiner has further identified elements within the Issa disclosure which do not match those of the claimed invention. The Examiner states that the telescope of Issa makes the guide tube 2 of the claimed invention obvious. This is not true. The claimed guide tube 2 is an optical guide tube, meaning it guides optics and thus, is not an obvious variation of an optics device itself.

Finally, the Examiner states that the descriptors "rod-shaped" (claim 1) and "sloped" (claim 3) are obvious design choices. If the Examiner is implying that these descriptors are not functional, the Examiner is mistaken. A rod shape is necessary in any resectoscope to allow insertion into a patient while a part of the resectoscope remains outside the patient. And referring to Applicant's specification, in paragraph [0023], the sloped end of the bar facilitates insertion of the bar into the claimed slot.

Applicant concludes that Issa does not teach or suggest all of the features of

claim 1 and respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1 and claims 2-3 that depend therefrom under 35 U.S.C. §103(a).

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SCH-15951.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /James A. Balazs/
James A. Balazs, Reg. No. 47401

38210 Glenn Avenue
Willoughby, Ohio 44094-7808
(216) 566-9700